

**REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Office Action dated January 8, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-8 are pending in the Application.

In the Office Action, the drawings are objected to due to a lack of labels in FIGs 1a, 1b and 2. In response, labels have been added to FIGs. 1a, 1b, and 2. A replacement sheet including FIGs. 1a, 1b and 2 is enclosed. Applicants respectfully request approval of the enclosed proposed drawing changes and withdrawal of the drawing objection.

The specification is objected to informalities. In response, the specification has been amended to correct the noted informality as well as a further informality noted upon careful review of the specification. Accordingly, it is respectfully submitted that the specification is in proper form and withdrawal of the objection to the specification is respectfully requested.

Claim 7 is rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the enablement requirement. Applicants respectfully disagree with and explicitly traverses this

ground for rejecting claim 7. It is the Applicants' position that claim 7 requires statutory subject matter. However, in the interest of furthering the prosecution of this matter, Applicants have elected to amend the claims to more clearly state the invention. Specifically, Applicants have amended claim 7 to more clearly state a write-once storage medium that is finalized, the write-once storage medium comprising data structures including space bit map and defect management structures ... Clearly, claim 7 requires statutory subject matter. Accordingly, it is respectfully requested that rejection of claim 7 be withdrawn.

In the Office Action, claims 1-8 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Publication No. 2001/0026518 to Shishido ("Shishido") in view of U.S. Patent No. 5,802,028 to Igarashi ("Igarashi"). It is respectfully submitted that claims 1-8 are allowable over Shishido in view of Igarashi for at least the following reasons.

Shishido shows a data recording apparatus that utilizes a pseudo erasing method to quickly make a rewritable disc appear as if data has been erased from the disc (see, abstract). Shishido does disclose dedicated areas (e.g., program memory area, see paragraph [0048]) for storing information related to a recording

such as table of contents information. However, no sections of Shishido disclose closing the rewritable disc. Particularly, none of Shishido discloses or suggests recording the data structures at a predefined temporary location in a reserved area on the write-once storage medium and finalizing the write-once storage medium by recording the data structures at a predefined fixed location as defined for a rewritable storage medium, wherein the predefined fixed location is a different location than the predefined temporary location.

Accordingly, it is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Shishido in view of Igarashi. For example, Shishido in view of Igarashi does not disclose or suggest, a device that amongst other patentable elements, comprises a (illustrative emphasis added) "device for recording data and data structures on a write-once storage medium, the data structures comprising space bit map and defect management structures, the device comprising ... the controlling means are adapted to record the data structures at a predefined temporary location in a reserved area on the write-once storage medium and to finalize the write-once storage medium by recording the data structures at a predefined fixed location as

defined for a rewritable storage medium, wherein the predefined fixed location is a different location than the predefined temporary location" as recited in claim 1, and as similarly recited in each of claims 4 and 7. Igarashi is introduced for allegedly showing other elements of the claims and as such, does nothing to cure the deficiencies in Shishido.

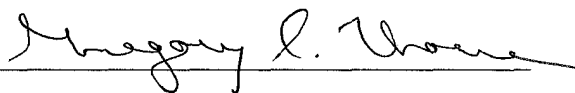
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 4 and 7 are patentable over Shishido in view of Igarashi and notice to this effect is earnestly solicited. Claims 2-3, 5-6 and 8 respectively depend from one of claims 1 and 4 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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April 8, 2008

Enclosure: Replacement drawing sheet (1 sheet including FIGs. 1a, 1b and 2)

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